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**Directive S2023-07**

1 August 2023

## **Rules for the Protection of Whistleblowers**

### **PART 1**

#### **General Provisions**

1. This directive is issued for the purpose of implementing an internal reporting system at the Institute of Organic Chemistry and Biochemistry of the Czech Academy of Sciences (hereafter **IOCB**) in compliance with Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law and Czech Act No. 171/2023 Coll. on the protection of whistleblowers (hereafter the **Act**), to which IOCB is an obliged entity.
2. The internal reporting system at IOCB (hereafter **IRS**) serves to prevent and/or expose illegal activity occurring within the material scope of the Act (Part 2, Section 4 of this directive) and has been created for the purpose of protecting whistleblowers who undertake to use the IRS to report such activity.
3. If in connection to their work or related activity at IOCB, an employee or whistleblower as defined in this directive encounters any conduct for which they feel there is justifiable cause to presume it is illegal or falls within the material scope of the Act, they may use the IRS to report said conduct. A report of this type will always be investigated by an authorized person, who alone will know the identity of the whistleblower and will endeavour to keep this identity secret. Should more than one authorized person be appointed, the whistleblower may choose which person to file the report with via the IRS. Reporting a suspicion of illegal activity is a right, not an obligation. Employees are not obligated to file a report per this directive; they are entitled to contact either the body at IOCB authorized to oversee ethical matters or the director of IOCB, they may proceed in compliance with the IOCB Collective Agreement, or they may turn to their immediate supervisor at any time.

### **PART two**

#### **Explanation of Key Terms**

1. A **whistleblower** is any natural person currently or formerly employed at IOCB, any applicant for employment at IOCB, or any person currently or formerly performing volunteer work or undertaking a traineeship or internship at IOCB or engaging in any other similar activity as defined by the Act. In compliance with the Act, IOCB will accept whistleblowing reports from other persons, if such reports concern the institute's activities.
2. A **report** is any notification from a whistleblower containing information about potentially illegal activity per § 2, paragraph 1 of the Act that has taken place or is to take place at IOCB and which the whistleblower has been made aware of in the performance of their work or similar activity for IOCB per § 2, paragraphs 3 and 4 of the Act. Any such report must contain the name, surname, and birthdate of the whistleblower or other information allowing the whistleblower to be identified.

3. Per the Act, an **authorized person** is a respectable natural person of legal competence and legal age who: receives and evaluates the justification for a whistleblowing report filed via the IRS of IOCB; processes the report and proposes measures to IOCB to correct or prevent the illegal conduct described in the filed report; carries out IOCB instructions (granted such instructions do not jeopardize or hinder the execution of their duties per the Act); proceeds in an unbiased manner and maintains confidentiality regarding facts that have come to light in the course of executing their duties per the Act and continues to do so after the execution of said duties is complete. The authorized person is appointed by the director of IOCB, who ensures that the authorized person has been duly informed of their rights and obligations as stipulated by the Act. The authorized person is responsible for protecting the whistleblower. The director of IOCB may appoint multiple authorized persons, whereby each authorized person shall always act independently in relation to the whistleblower and is obligated to conceal the identity of the whistleblower from other authorized persons if more than one has been appointed for IOCB.
4. The **material scope of the Act** defines the areas in which whistleblowing reports are protected by the Act (§ 2, paragraph 1 of the Act). Reports are filed with the aim of exposing illegal activity that:
- a) bears characteristics of a crime;
  - b) bears characteristics of a contravention for which the Act stipulates a fine tariff with an upper limit of at least 100,000 CZK;
  - c) violates the Act (No. 171/2023 Coll.);
  - d) violates another Czech or EU law in the following areas:
    - financial services, compulsory audit and other certification services, financial products, financial markets;
    - income tax of judicial persons;
    - prevention of money laundering and financing terrorism;
    - consumer protection;
    - compliance with requirements for products, including their safety;
    - transportation safety, shipping, and traffic on roadways;
    - environmental protection;
    - food and feed safety and protection of animals and animal welfare;
    - radiation protection and nuclear safety;
    - economic competition, public auctions, and award of public contracts;
    - protection of internal order and security, life, and health;
    - protection of personal data, privacy, and the security of electronic communication networks and information systems;
    - protection of financial interests of the European Union;
    - functioning of the internal market, including protection of economic competition and government support in compliance with EU law.
5. **Retaliatory actions** are any omissive or commissive actions on the part of IOCB or its representatives as defined in § 4 of the Act taken in response to a whistleblowing report that may result in unjustified detriment to the whistleblower or other persons per § 4, paragraph 2 of the Act.

## PART three

### Implementation of the Internal Reporting System

## **I. Methods of filing a whistleblowing report**

1. Whistleblowers may file reports by means of the IRS in one of the ways described below. Specific access information and contacts are listed on the IOCB website.
2. A report as defined by the Act can be filed in one of the following ways:
  - a) **In writing in electronic form**  
A report can be sent from a secure email account to the specified email address accessible by the relevant authorized person;
  - b) **In writing in paper form**  
A report addressed to the relevant authorized person can be sent by post to the mailing address of the workplace;
  - c) **Verbally by telephone**  
Reports can be filed verbally by telephone via a secure telephone line accessible to the relevant authorized person;
  - d) **In person**  
A whistleblower may request to make their submission in person to the relevant authorized person during a face-to-face meeting. Such a meeting must take place within a reasonable period not exceeding two weeks (14 days) from the date on which the whistleblower requested the meeting. The whistleblower must be informed in advance of the date and time of the meeting.
3. Reports should contain sufficient information to enable a proper investigation on the part of the authorized person. Key pieces of information that should not be omitted from any report include a factual description of the reported situation and a substantiation of the violation as perceived by the whistleblower. The whistleblower may also provide other materials and evidence. The authorized person shall record this information when receiving the report.
4. Information about the identity of the whistleblower or information that could lead to identification of the whistleblower will be accessible to the authorized person only, and the authorized person is obligated to maintain the confidentiality of this information. Only the authorized person to whom a report is made shall have access to the reporting instruments described in section 3.

## **II. Receiving and processing a whistleblowing report, activities of the authorized person**

1. The processing of filed reports, including their investigation and the secure processing of all related documentation, is handled by the authorized person with whom the whistleblower chose to file their report. The identification of the authorized person (or authorized persons if IOCB has appointed more than one) can be found on the IOCB website. In carrying out their duties, the authorized person reports directly and exclusively to the director of IOCB. The director of IOCB is not authorized to penalize the authorized person in any way for the due execution of their function in compliance with the Act.
2. If a report is filed verbally, an audio recording shall be made with the consent of the whistleblower. If the whistleblower refuses to grant their consent to an audio recording, the authorized person shall prepare a written record that accurately captures the substance of the verbal filing.
3. The authorized person is responsible for the following activities:

- a) receiving and evaluating the grounds for reports filed in compliance with this directive;
- b) communication with the whistleblower within the timeframes stipulated by the Act and efforts to ensure the whistleblower's identity is not revealed;
- c) proper and thorough investigation of all reports;
- d) proposal to the obliged entity of measures to correct or preclude illegal conduct described in a report if said report is shown to be well grounded. If the report is determined to be well grounded, the authorized person will propose measures to preclude or correct the illegal conduct. If the obliged entity does not adopt the measures proposed by the authorized person, it will adopt other suitable measures for the preclusion or rectification of the illegal conduct;
- e) carry out instructions from the obliged entity, unless such instructions jeopardize or hinder the execution of their duties per the Act;
- f) protect the whistleblower against any and all retaliatory actions.

4. The authorized person will **notify the whistleblower in writing**:

- **within 7 days of receipt of the report;**
- **about the results of the investigation within 30 days of receipt of the report** (in cases that are factually or legally complex, this period may be extended a maximum of two times by an additional 30 days each, and the whistleblower must be informed of any such extensions);
- without unnecessary delay if the report has been determined to be unjustified; at the same time, **the whistleblower will be instructed on their right to file the report with a public authority.**

5. In executing their duties, the authorized person will proceed in compliance with the Act in an unbiased manner. The authorized person cannot be penalized for the proper execution of their duties in compliance with the Act.

6. The authorized person is obligated to maintain **confidentiality** regarding facts that have been revealed in the execution of their duties pursuant to the Act and must continue to do so even after the execution of these duties has come to a close. The authorized person will exercise increased protection of all information contained in the report with emphasis on the strict preservation of the whistleblower's anonymity.

7. The authorized person is also obligated to maintain an electronic **record** of individual reports in the following minimal extent:

- a) own documentation:
  - a record of the filed report;
  - the result of the investigation of the report and planned or adopted corrective measures;
- b) recorded information:
  - date of receipt of the report;
  - the name (or names), surname, date of birth, and contact address of the whistleblower or other information allowing the whistleblower's identity to be deduced, if such information is known;
  - a summary of the contents of the report and identification of the person against whom the report has been filed, if that person's identity is known;
  - the date of conclusion of the investigation of the report and its findings;
  - where applicable, an audio recording or transcript of the report, if the report has been filed verbally (in person or by telephone).

The authorized person must keep this record for as long as necessary to enable further investigations, but for no more than five years. **Only the authorized person has access to this record.**

8. In compliance with the Act, the authorized person is obligated to ensure the publication of relevant information that relates to the whistleblowing agenda and/or is subject to mandatory publication on the IOCB website.

#### PART four

##### **Processing of Reports**

1. Filed reports are evaluated by the authorized person, who in doing so is not bound by instructions from any other individuals at IOCB. For the purpose of investigating the report, the authorized person evaluates information that indicates illegal conduct and will seek additional facts and evidence relating to the matter.
2. Employees at IOCB and members of its various bodies are obligated to provide the authorized person with all cooperation necessary for evaluating the report, including personal consultations, information and documents, and access to equipment and spaces at IOCB.
3. Based on evaluation of the report, the authorized person will reach a conclusion as to whether illegal conduct as per the Act has taken place or may take place and whether the report was filed by the whistleblower in good faith that the information contained in it is truthful. The authorized person will also determine the circumstances of the illegal conduct and which individuals are involved and will support their findings with evidence, information, and documents.
4. If there is suspicion of illegal conduct, the authorized person will immediately inform the relevant public authority per a different law or a directly applicable European Union law, granted the circumstances that are known to the authorized person do not suggest that the report is based on false information; if there is no such public authority, the authorized person will have no further involvement in the report.
5. If the authorized person reaches the conclusion that illegal conduct has taken place or may take place, they will notify the director of IOCB, unless said illegal conduct concerns the director, in which case the authorized person will contact the chairperson of the IOCB Board. In this notification, the authorized person will also propose measures to be taken in order to correct the illegal conduct, unless doing so could lead to the disclosure of the identity of the whistleblower or involved parties.
6. If the report is found to be well grounded, the director of IOCB will adopt the corrective measures as proposed by the authorized person or will adopt other appropriate measures to preclude or correct the illegal conduct. The director will inform the authorized person of the adopted corrective measures.

#### PART five

##### **Other Provisions**

1. In fulfilling their duties per the Act, the authorized person will process the personal data of whistleblowers and third parties. In this regard, the authorized person will proceed in compliance with the Act, with all applicable personal data protection laws, and with all IOCB internal policies.
2. In issuing this directive, IOCB has informed and instructed all employees about the possibilities and methods of filing whistleblowing reports pursuant to the Act. The director is entitled to instruct employees or a certain group of employees to undertake compulsory training on the subject of this directive.
3. This directive comes into force on 1 August 2023.



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